

REMARKS/ARGUMENT

The Examiner has made his requirement for restriction final rejecting applicant's traverse. Applicant hereby continues prosecution of the present application with election of Species B as illustrated in figs. 3a -3c for examination herein and commences examination on claims 1, 5 and 9 as determined by the Examiner as drawn to the elected species, the remaining claims in the application as filed being withdrawn. Claims 11- 15 and 29 have been cancelled. This election and determination of claims is made without prejudice to reinstatement of dependent claims upon an allowance of an appropriate generic claim or filing of divisional applications drawn to non-elected claims.

The Examiner has rejected claims 1, 5 and 9 under 35 U.S.C. §112 as indefinite for failure to particularly point out and distinctly claim the subject matter which applicant regards as the invention, specifically the claim elements "means for sensing" and "means for detonating" of claim 1. The applicant respectfully traverses the Examiner's rejection and draws the Examiner's attention to the specification beginning on page 12 line 22 and FIG. 2 in which a complete description of the active elements and control elements of the inventive structure are described. The Examiner has not associated FIG.2 with any identified species and the applicant contends that FIG.2 and its associated description generically describe system elements of the elected species as well as other species identified in the application. The specification specifically states beginning at page 12 line 22 "[r]eferring to Figure 2..." and then follows at line 28 "[r]eferring to Figures 3a through 3c *as well, in the case of an inflatable deployment system...*" (emphasis added). The applicant contends that this description clearly identifies FIG 2 as further supporting the disclosure of FIGs. 3a-3c for the overall system description.

The referenced paragraph in the specification as filed specifically refers to a radar 7 and launch detector 5. Launch detector 5 is further described as "an infrared, acoustic, or radio frequency sensor, for example, is used to turn on radar 7. Radar 7 is used by trajectory computer 6 to determine velocity of [a] threat and probable point of impact" (see page 12 lines 23-25). The applicant respectfully contends that this description provides one or more exemplary elements when employed either singly or in combination supports the claim element "means for detecting" or "detecting means" as amended meeting the requirements of 35 U.S.C. §112 and fully supports claim 1 as amended.

Similarly, FIGs. 2 and 3c both disclose as a portion of the inventive combination detonators 14 and break screen elements 13 which are described at page 12 line 30 – page 13 line 2 as “[e]ither all of some of or one of detonators 14 are initiated in response to breakage of break screen elements 13”. In the general overview of the invention provided by the specification at page 9 lines 9-20, the break screen is described as providing one approach for a “sensing function”. Applicants respectfully contend that this disclosure provides adequate description under 35 U.S.C. §112 as exemplary “means for sensing” or “sensing means” as amended and “means for detonating” or “detonating means” as amended as defined in claim 1. Withdrawal of the Examiner’s rejection is respectfully requested

The Examiner has rejected claims 1, 5 and 9 under 35 U.S.C. 103(a) as being unpatentable over Manis (US3592148) in view of *In re Dike*, 157 USPQ 581 (CCPA 1968). Claim 1 has been amended and in view of that amendment, the Examiner’s rejection is respectfully traversed. The present invention provides an erectable threat defeat system for RPGs and other similar threats that may employed on vehicles or other structures without substantial modification to the underlying structure. Further, the system may be stored on the structure being protected in a non-obtrusive form and location which minimizes any blocking of access to the vehicle or underlying structure. An inflatable airbag to support and space a detonation system from the protected structure as required by claim 1 is not disclosed or suggested by Manis. The interpretation of claim language as presented in *In re Dike* cited by the Examiner does not reduce the burden of demonstrating that each element and limitation of a rejected claim must be disclosed in the prior art reference(s). The applicants respectfully contend that claim 1 is therefore patentable over Manis. Claims 5 and 9 as dependent on claim 1 and when viewed with respect to all elements and limitations of the claims are similarly patentable over Manis.

The Examiner has additionally rejected claims 1, 5 and 9 under 35 U.S.C. 103(a) as being unpatentable over Manis in view of Laures (US4625647). The applicant respectfully contends that Laures does not disclose or suggest the missing elements of the invention as defined by claim 1, namely an inflatable airbag and that claims 1, 5 and 9 are patentable over the combination of Manis and Laures as cited by the Examiner.

The Examiner has rejected claims 1 and 5 under 35 U.S.C. 103(a) as being unpatentable over Kerdraon et al. (US6327955) in view of *In re Dike*, 157 USPQ 581 (CCPA 1968). Kerdraon et al. does not disclose or suggest the use of an inflatable bag to support and space a detonation system from the protected structure as required by claim 1. As previously argued, the interpretation of claim language as presented in *In re Dike* cited by the Examiner does not reduce the burden of demonstrating that each element and limitation of a rejected claim must be disclosed in the prior art reference(s). The applicants respectfully contend that claim 1 is therefore patentable over Kerdraon et al. Claim 5 as dependent on claim 1 and when viewed with respect to all elements and limitations of the claim is similarly patentable over Manis.

The Examiner has further rejected claims 1 and 5 under 35 U.S.C. 103(a) as being unpatentable over Kerdraon et al. in view of Laures. As argued above with respect to the combination of Laures with Manis, Laures does not disclose or suggest the missing elements of the invention as defined by claim 1, namely an inflatable airbag and that claims 1 and 5 are patentable over the combination of Kerdraon et al and Laures as cited by the Examiner.

Claims 30 -32 have been newly added for consideration by the Examiner.

The applicant believes that all claims now pending in the application, as amended, are in condition for allowance and action by the Examiner in that regard is respectfully requested. If additional information is required, please contact the undersigned as counsel of record.

Respectfully submitted,

/Felix L. Fischer/

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